
State Water Resources Control Board

June 12, 2024

Montague Water Conservation District



APPROVAL OF LOCAL COOPERATIVE SOLUTION FOR MONTAGUE WATER CONSERVATION DISTRICT

Dear Montague Water Conservation District:

The State Water Resources Control Board (State Water Board) adopted a regulation that went into effect on February 1, 2024, that establishes emergency minimum flows in the Scott River and Shasta River watersheds (Cal. Code Regs., tit. 23, §§ 875-875.9) (Regulation). Under the Regulation, local cooperative solutions by individuals or groups may be proposed by petition to the Deputy Director of the Division of Water Rights (Deputy Director) as an alternative means of reducing water use to meet or preserve the emergency minimum flows, or to provide other fishery benefits, in lieu of curtailment.

The State Water Board received a petition from the Montague Water Conservation District (MWCD) for a local cooperative solution that proposes to use groundwater from the Flying L wells in lieu of stored water. The proposal seeks to exchange up to 250 acre-feet of water stored in Dwinell Reservoir and provided for release with Flying L well water to fulfill MWCD's commitments under the Prior Rights Agreement and to provide cold water to the Shasta River below Dwinell Reservoir to maintain water quality for fisheries benefits.¹ The State Water Board has reviewed the proposal and finds that it meets the requirements of Regulation section 875, subdivision (f)(4)(E).

Based on this review, MWCD's request as to prior rights is approved with the following conditions:

- The continued use of the Flying L wells while under curtailment only applies to water that is pumped and delivered through the Shasta River for re-diversion downstream for beneficial uses. This approval does not provide for the Flying L

¹ The State Water Board understands that no deliveries of municipal water through the Lower Shasta River are anticipated. Should the need to provide Human Health and Safety water arise this year, the State Water Board invites further conversation.

pumps to operate while under curtailment for delivery to prior rights through canal conveyance where it does not first flow down the Shasta River.

- The requirements described in the Notifying, Monitoring, and Reporting Conditions section of this letter must be fulfilled.

Any changes to the approved local cooperative solution shall be submitted to the Deputy Director for review and approval prior to implementation.

This letter also confirms MWCD's certification for non-consumptive use under California Code of Regulations, title 23, section 875.1, for the Flying L wells to provide cold water to the Shasta River below Dwinnell Reservoir as a water quality control measure.

Background on Water Rights Associated with Proposal

Flying L Wells

MWCD extracts groundwater from three wells (SG005439, SG005440, and SG005441), referred to as the Flying L wells, in the vicinity of Dwinnell Dam that can discharge the pumped groundwater to the Shasta River. In some years water from the Flying L wells is delivered for irrigation use via the Main Canal. The Flying L wells typically produce up to 5.5 cfs of water with release temperatures ranging from 12.8-13.0 degrees Celsius.

MWCD has been voluntarily working with the National Marine Fisheries Service and California Department of Fish and Wildlife to establish a Safe Harbor Agreement (SHA) that includes commitments to change water infrastructure and management practices to help promote the survival and recovery of the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of coho salmon. An important component of the SHA is the incorporation of MWCD's Flying L wells, which provide improved water quality through delivery of cold groundwater to the Shasta River. As maximum daily release temperatures from Dwinnell Reservoir approach a threshold deemed sub-optimal for juvenile coho salmon survival, MWCD incorporates cold water from the Flying L wells to reduce the temperature of water released into the Shasta River from Dwinnell Dam. MWCD provides variable rates (up to a maximum of 5.5 cfs) of water from Flying L wells to maintain the water quality and keep the flow released to the Shasta River within an acceptable temperature range for juvenile coho salmon survival.

Prior Rights Agreement

Most Shasta River surface water rights have been adjudicated and are described in the Shasta Adjudication, and most but not all adjudicated diversions are managed by the Scott Valley and Shasta Valley Watermaster District (Watermaster). MWCD entered into a Prior Right Agreement with water right holders who lost access and diversion infrastructure when Dwinnell Reservoir was constructed (referred to as prior rights or prior right holders). MWCD agreed to provide water from Dwinnell Reservoir for the prior rights up to a cumulative total of 3,382 AF per year. Upon request, MWCD releases water from Dwinnell Reservoir to satisfy the Prior Right Agreement.


Notification, Monitoring, and Reporting Conditions

To verify compliance with the local cooperative solution, MWCD shall maintain its diversion facility and real-time² gauges below Dwinell Reservoir. Additionally, real-time flow data for water released from the Flying L wells shall be made available to the Scott Valley and Shasta Valley Watermaster District (Watermaster) and the State Water Board. Flow data from the gauge located at the point of re-diversion for the City of Montague shall also be provided to the Watermaster and the State Water Board. MWCD must notify the Watermaster and the State Water Board at least 48 hours before releasing flows for municipal use and 48 hours before turning off these releases.

Water temperatures released from Dwinell Reservoir to the Shasta River shall be monitored in the Shasta River on MWCD property downstream of the connected cold water wetland habitat feature in coordination with the California Department of Fish and Wildlife, National Marine Fisheries Service, North Coast Regional Water Quality Control Board, and State Water Board. As part of this approval, additional water quality monitoring may be required in 2024 to help inform long-term changes in operations. MWCD has collaboratively worked with State Water Board staff in its implementation of the Regulation. Staff appreciates MWCD's efforts to improve conditions in the Shasta River watershed for water users and the environment.

If you have questions regarding this letter, please reach out to staff by email at ScottShastaDrought@waterboards.ca.gov or by phone at (916) 327-3113.

Sincerely,



Erik Ekdahl
Deputy Director
Division of Water Rights

ec: Scott Valley and Shasta Valley Watermaster District



Mr. Gary Black, MWCD



² Real-time total flow data downstream of Dwinell Reservoir on the Shasta River is available at CDEC/DWR SHASTA RIVER BELOW DWINNELL (SRD) gage in 15-minute time intervals.

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